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PTO/SB/21 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/617,489	
	Filing Date	July 10, 2003	
	First Named Inventor	Thomas L. CANTOR	
	Art Unit	1641	
	Examiner Name	C. Cheu	
Total Number of Pages in This Submission	26	Attorney Docket Number	532212000623

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page plus duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (7 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a/b Form (8 pages plus duplicate) References (188) Return Receipt Postcard
<div>Remarks</div> <div>CUSTOMER NO. 25225</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peng Chen		
Date	January 13, 2006	Reg. No.	43,543

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 761643881 US and EV 761643895 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: January 13, 2006	Signature: (Lenay Rogus)



PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	10/617,489
Filing Date	July 10, 2003
First Named Inventor	Thomas L. CANTOR
Examiner Name	C. Cheu
Art Unit	1641
Attorney Docket No.	532212000623

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)
80 - 80 = x =

Multiple Dependent Claims
Fee (\$) Fee Paid (\$)

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
4 - 4 = x =

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
- 100 = /50 (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	43,543	Telephone	(858) 720-5117
Name (Print/Type)	Peng Chen	Date	January 13, 2006		



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill Nos. EV 761643881US and EV 761643895 US addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 13, 2006

Signature: Lenay Rogus

(Lenay Rogus)

Patent

Docket No. 532212000623

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR

Serial No.: 10/617,489

Filing Date: July 10, 2003

For: METHODS, KITS AND ANTIBODIES
FOR DETECTING PARATHYROID
HORMONE

Examiner: C. Cheu

Group Art Unit: 1641

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are submitted herewith. The Examiner is requested to make these documents of record.

Document numbers 15-47, 75-93, and 173-187 are from *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratory Inc. and Scantibodies Laboratory, Inc.*, U.S.D.C. for the Southern District of California, Case No. 02 CV 0046 B (LAB).

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sd-273649

Document numbers 48-61 are from a reexamination proceeding of United States Patent Number 6,689,566 (“the ‘566 patent”) requested by Scantibodies, now assigned control No. 90/007,685. Document numbers 49-60 were cited as exhibits in the Request for Reexamination of the ‘566 patent by Scantibodies. The present application is a Continuation-in-Part of United States Patent Number 6,743,590 (“the ‘590 patent”), which is a Continuation-in-Part of the ‘566 patent.

Document numbers 62-68 are from an opposition proceeding against EP Patent No. 0 783 522. Document numbers 69-72 are from a reexamination proceeding of United States Patent No. 6,030,790, now assigned control No. 90/007,412.

Document numbers 73 and 74 are from another reexamination proceeding of United States Patent Number 6,689,566 (“the ‘566 patent”), filed by Immutopics, Inc., now assigned control No. 90/007,732.

Document numbers 94-103 are from the prosecution of the Applicant’s related EP application No. 00 902 406.8-2404. Document numbers 104-106 are from the prosecution of the Applicant’s related Japanese Patent Application No. 2000-593958.

Document numbers 107-171 are from *Scantibodies Laboratory, Inc. v. Immutopics, Inc.*, currently pending in the United States District Court for the Central District of California, Case No. CV04-8871 GPS (MANx). Document numbers 164-171 are bates stamped discovery documents from this litigation.

Document number 172 is from an invalidation proceeding against JP Patent No. 3457004.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a second non-final Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Pursuant to MPEP § 2004.13, Applicant points out that Nichols Institute Diagnostics Inc. (Nichols) has sued the assignee of the present application, Scantibodies Laboratory, Inc. (Scantibodies) for alleged infringement of U.S. Patent No. 6,030,790 ('790 patent). The '790 patent was submitted and considered by the Examiner in the prosecution of the parent patents of the present application, U.S. Patent No. 6,689,566 B1 (the '566 patent) and U.S. Patent No. 6,743,590 B1 ('590 patent). The '790 patent was also submitted in the February 25, 2004 IDS (Reference No.

11) and considered by the Examiner in connection with the present application (*See* the January 24, 2005 Office Action). Applicant wishes to bring the Examiner's attention to the following:

- After a jury trial, the U.S. District Court for the Southern District of California in San Diego entered a judgment based on the jury verdict that claims 1-25 of the '790 patent are invalid for lack of enablement, lack of written description and failure to disclose the best mode (*See* Document No. 181 submitted with the July 7, 2005 Supplemental IDS);
- The Court vacated the jury verdict in an Order Re: Post-Verdict Motions, filed August 30, 2005 (Document No. 47 of the present Supplemental IDS);
- The Court issued Settled Findings of Fact and Conclusions of Law on Inequitable Conduct and Order Adjudicating Patent Enforceable, filed October 14, 2005 (Document No. 76 of the present Supplemental IDS);
- The Court issued an Order Granting Nichols' Motion for Entry of Permanent Injunction and Staying Injunction Pending Appeal, filed November 16, 2005 (Document No. 186 of the present Supplemental IDS);
- Scantibodies filed an Emergency Motion To Stay Injunction and Damages/Willfulness Trial Pending Appeal on November 17, 2005 (Document No. 91 of the present Supplemental IDS); and
- December 16, 2005 Transcript of Damages Trial showing the jury verdict (Document No. 187 of the present Supplemental IDS).

Scantibodies has requested reexamination of the '790 patent (Document No. 66 submitted with the May 10, 2005 Supplemental IDS) and the U.S. PTO ordered the reexamination of the '790 patent (Document No. 67 submitted with the May 10, 2005 Supplemental IDS). The U.S. PTO issued the first non-final Office Action in the *Ex Parte* Reexamination of U.S. Patent 6,030,790 (Control No. 90/007,412) on September 28, 2005 (Document No. 69 of the present

Supplemental IDS), Nichols filed a First Amendment and Response to Reexamination Office Action on November 28, 2005 (Document No. 71); and

One of the listed inventors of the '790 patent is Markus Magerlein. The Magerlein Ph.D. Dissertation and its English translation are submitted herewith (Document Nos. 8 and 9 of the present Supplemental IDS). The Magerlein Ph.D. Dissertation discloses detection of various PTH fragments and intact PTH (1-84) apparently at a concentration of 8 to 500 pmol/l (*See* Document No. 9 of the present Supplemental IDS at pages 59-60 (PHA003936-PHA003937).

Scantibodies is opposing the '790 patent's corresponding patent in Europe, EP Patent No. 0 783 522 in the EPO, and commenced an invalidation proceeding against the '790 patent's corresponding patent in Japan, JP Patent No. 3457004, in the JPO. The JPO has invalidated JP Patent No. 3457004 (Document No. 172 of the present Supplemental IDS)¹.

Scantibodies commenced a civil action for patent infringement based on the '566 patent: *Scantibodies v. Immutopics*. Applicant wishes to bring the Examiner's attention to the following:

- Scantibodies requested reexamination of the '566 patent (Document No. 48 of the present Supplemental IDS). Document Nos. 49-60 were cited as exhibits in Scantibodies' Request for Reexamination of the '566 patent. The U.S. PTO ordered the reexamination of the '566 patent based on Scantibodies' Request (control No. 90/007,685) (Document No. 61 of the present Supplemental IDS).
- The District Court in the *Scantibodies v. Immutopics* case issued an Order Granting Plaintiff's Motion To Stay Proceedings on September 20, 2005 (Document No. 161 of the present Supplemental IDS).

Immutopics filed a Request for *Ex Parte* Reexamination of U.S. Patent 6,689,566 per Rule 1.501 et seq. on September 28, 2005 (Document No. 73 of the present Supplemental IDS). Immutopics' Request is based on the following documents:

¹ Nichols can still appeal the JPO's decision within the JPO.

- US Patent No. 6,689,566 (The present application is a Continuation-in-Part of US Patent No. 6,743,590, which is a Continuation-in-Part of US Patent No. 6,689,566);
- Order Re: Post Verdict Motions, filed August 30, 2005 (Document No. 47 of the present Supplemental IDS);
- Declaration of Richard A. Lerner, M.D., In Support Of Motion For Summary Judgment Pursuant To 35 U.S.C. § 102(b) By Defendants Scantibodies Clinical Laboratory, Inc. And Scantibodies Laboratory Inc., filed February 25, 2003 (Document No. 118 of the Supplemental IDS submitted on May 10, 2005);
- Declaration of J. Stuart Woodhead, Ph.D., In Support Of Motion For Summary Judgment Pursuant To 35 U.S.C. § 102(b) By Defendants Scantibodies Clinical Laboratory, Inc. And Scantibodies Laboratory Inc., filed February 25, 2003 (Document No. 119 of the Supplemental IDS submitted on May 10, 2005);
- Colford, 1997 Abstract Presentation to the Endocrine Society, 79th Annual Meeting, June 11-14, 1997 at Minneapolis, Minnesota (Document Numbers 49 and 57 of the present Supplemental IDS);
- Magerlein et al., Pharmaceutical Sciences 2 (1994) 117-194, page 142 (Document No. 35 of the Supplemental IDS submitted on May 10, 2005);
- Tampe et al., Journal of Immunoassay (1992) 13(1):1-13 (Document No. 19 of the Supplemental IDS submitted on July 7, 2005);
- Kohno et al., Journal of Clinical Laboratory Analysis (1998) 12:268-275 (Document No. 54 of the present Supplemental IDS);
- US Patent No. 6,030,790 (Document No. 11 of the IDS submitted on February 25, 2004 and document No. 2 of the Supplemental IDS submitted on July 7, 2005).

The U.S. PTO ordered the reexamination of the '566 patent based on Immutopics' Request (control No. 90/007,732) (Document No. 74 of the present Supplemental IDS).

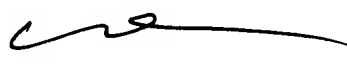
Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 532212000623.

Dated: January 13, 2006

Respectfully submitted,

By 
Peng Chen
Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 720-5117



Substitution for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/617,489
				Filing Date	July 10, 2003
				First Named Inventor	Thomas L. CANTOR
				Art Unit	1641
				Examiner Name	C. Cheu
Sheet	1	of	8	Attorney Docket Number	532212000623

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1.	BROSSARD et al., Journal of Clinical Endocrinology and Metabolism (1993) 77:413-419	
	2.	CAETANO et al., Equus Genome Res. (1999) 9(12):1239-1249	
	3.	D'AMOUR et al., J. Bone Miner. Res. (1996) 11:1075-1085	
	4.	FUHR et al., Klin Wochenschr (1955) 33:729-730	
	5.	FUJIMORI et al., Therapeutic Apheresis and Dialysis (2004) 8(6):474-479	
	6.	K/DOQI Clinical Practice Guidelines for Bone Metabolism and Disease in Chronic Kidney Disease, Draft Guideline Statements and Treatment Algorithms, February 2003	
	7.	KOHLER and MILSTEIN, Nature (1975) 256:495-497	
	8.	MAGERLEIN, Ph.D. Dissertation, October 31, 1995, Ruprecht Karls University of Heidelberg (Original in German)	
	9.	MAGERLEIN, Ph.D. Dissertation, October 31, 1995, Ruprecht Karls University of Heidelberg (English Translation)	
	10.	MALLUCHE, The Importance of Bone Health in ERSD: Out of the Frying Pan, Into the Fire?, World Congress on Nephrology, Berlin, Germany, June 2003	
	11.	MAYER et al., Endocrinology (1979) 104:1778-1784	
	12.	WATSON et al., Molecular Biology of the Gene, 4 th edition, (1987) The Benjamin/Cummings Pub. Co., page 224	
	13.	WOOD et al., PNAS USA (1985) 82:1585-1588	
	14.	WOODHEAD, Clin. Biochem. (1990) 23:17-21	
	15.	Scantibodies' Notice of Motion and Motion For Summary Judgment of Invalidity and Noninfringement, filed February 18, 2005	
	16.	Declaration of Randolph Wall, PHD in Support of Scantibodies' Memorandum of Points and Authorities in Support of Motion for Summary Judgment of Invalidity and Noninfringement, filed February 18, 2005	
	17.	Declaration of Dr. Wolf Grosskopf in Support of Motion For Summary Judgment of Invalidity	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
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			Filing Date	July 10, 2003	
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			Art Unit	1641	
			Examiner Name	C. Cheu	
Sheet	2	of	8	Attorney Docket Number	532212000623

		and Noninfringement, filed February 18, 2005	
	18.	[Proposed] Order Granting Scantibodies' Motion for Summary Judgment of Invalidity and Noninfringement, filed February 18, 2005	
	19.	Declaration of K. Ramakrishan, PH.D. in Support of Nichols Institute Diagnostics, Inc.'s Opposition to Motion For Summary Judgment of Invalidity and Non-Infringement, filed March 7, 2005	
	20.	Declaration of Eva Guthrie in Support of Nichols Institute Diagnostics, Inc.'s Opposition to Motion For Summary Judgment of Invalidity and Non-Infringement, filed March 7, 2005	
	21.	Declaration of John E. Peterson in Support of Nichols Institute Diagnostics, Inc.'s Opposition to Motion For Summary Judgment of Invalidity and Non-Infringement, filed March 7, 2005	
	22.	Reply Memorandum of Points and Authorities in Support of Scantibodies' Motion For Summary Judgment of Invalidity and Noninfringement, filed March 14, 2005	
	23.	Notice Of Motion and Motion For Nichols Institute Diagnostics, Inc.'s Renewed Motion For Judgment As A Matter Of Law, filed July 13, 2005	
	24.	Memorandum Of Points And Authorities In Support Of Nichols Institute Diagnostics, Inc.'s Renewed Motion For Judgment As A Matter Of Law, filed July 13, 2005	
	25.	Declaration of April M. Alex In Support Of Nichols Institute Diagnostics, Inc.'s Renewed Motion For Judgment As A Matter Of Law, filed July 13, 2005	
	26.	[Proposed] Order Granting Nichols Institute Diagnostics, Inc.'s Renewed Motion For Judgment As A Matter Of Law, filed July 13, 2005	
	27.	Memorandum Of Points And Authorities In Support Of Nichols Institute Diagnostics, Inc.'s Motion For A New Trial, filed July 13, 2005	
	28.	Declaration of Charles B. Cohler In Support Of Nichols Institute Diagnostics, Inc.'s Motion For A New Trial, filed July 13, 2005	
	29.	Declaration of Julia A. Miller In Support Of Nichols Institute Diagnostics, Inc.'s Motion For A New Trial, filed July 13, 2005	
	30.	Scantibodies' Notice of Motion and (1) Motion For Relief From Judgment of Infringement As To Claims 17 and 21 and (2) Renewed Motion For Judgment As A Matter Of Law, filed July 14, 2005	
	31.	Scantibodies' Memorandum Of Points And Authorities In Support Of (1) Motion For Relief From Judgment of Infringement As To Claims 17 and 21 and (2) Renewed Motion For Judgment As A Matter Of Law, filed July 14, 2005	
	32.	Declaration of M. Andrew Woodmansee In Support Of (1) Motion For Relief From Judgment of Infringement As To Claims 17 and 21 and (2) Renewed Motion For Judgment As A Matter Of Law, filed July 14, 2005	
	33.	Declaration of M. Andrew Woodmansee In Support Of Scantibodies' Application To Tax Costs, filed July 14, 2005	
	34.	Scantibodies' Consolidated Opposition To Nichols' Motion For Judgment As A Matter Of Law And Nichols' Motion For New Trial, filed August 1, 2005	
	35.	Declaration Of M. Andrew Woodmansee In Support Of Scantibodies' Consolidated Opposition To Nichols' Motion For Judgment As A Matter Of Law And Nichols' Motion For New Trial, filed August 1, 2005	
	36.	Nichols Institute Diagnostics, Inc.'s Opposition To Scantibodies' (1) Motion For Relief From Judgment Of Infringement As To Claims 17 and 21 And (2) Motion For Judgment As A Matter Of Law, filed August 1, 2005	
	37.	Declaration of April M. Alex In Support Of Nichols Institute Diagnostics, Inc.'s Opposition To Scantibodies' (1) Motion For Relief From Judgment Of Infringement As To Claims 17 and 21 And (2) Motion For Judgment As A Matter Of Law, filed August 1, 2005	

Examiner Signature		Date Considered	
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sd-273607

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/617,489	
			Filing Date	July 10, 2003	
			First Named Inventor	Thomas L. CANTOR	
			Art Unit	1641	
			Examiner Name	C. Cheu	
Sheet	3	of	8	Attorney Docket Number	532212000623

38.	[Proposed] Order Denying Scantibodies' Motion For Judgment As A Matter Of Law, filed August 1, 2005	
39.	Opposition Of Nichols Institute Diagnostics, Inc. To Application To Tax Costs, filed August 1, 2005	
40.	Scantibodies' Reply Brief In Support Of (1) Motion For Relief From Judgment Of Infringement As To Claims 17 and 21 And (2) Renewed Motion For Judgment As A Matter Of Law, filed August 8, 2005	
41.	Declaration of M. Andrew Woodmansee In Support Of Scantibodies' Reply Brief In Support Of (1) Motion For Relief From Judgment Of Infringement As To Claims 17 and 21 And (2) Renewed Motion For Judgment As A Matter Of Law, filed August 8, 2005	
42.	Nichols Institute Diagnostics, Inc.'s Reply To Scantibodies' Opposition To Nichols Renewed Motion For Judgment As A Matter Of Law, filed August 8, 2005	
43.	Declaration of April M. Alex In Support Of Nichols Institute Diagnostics, Inc.'s Reply To Scantibodies' Opposition To Nichols Renewed Motion For Judgment As A Matter Of Law, filed August 8, 2005	
44.	Reply To Scantibodies' Opposition To Nichols Motion For A New Trial, filed August 8, 2005	
45.	Declaration Of Katherine L. Parker In Support Of Scantibodies' Opposition To Nichols' Motion To Retax Costs, filed August 23, 2005	
46.	Reply Memorandum In Support Of Nichols Institute Diagnostics, Inc.'s Motion To Retax Costs, filed August 29, 2005	
47.	Order Re: Post-Verdict Motions, filed August 30, 2005	
48.	Request For Ex Parte ReExamination of United States Patent Number 6,689,566, filed August 22, 2005	
49.	COLFORD et al., The Endocrine Society, Programs & Abstracts, 79th Annual Meeting, June 11-14, 1997, Minneapolis Minnesota, "Isolation and Characterization of Large Molecular Weight Fragments of PTH"	
50.	COLFORD et al., J. Bone & Miner. Res. (1997) 12(Supp. 1):S318 (F368)	
51.	COLFORD et al., Clin. Chem. (1997) 43(6):S189 (381)	
52.	COLFORD et al., 10th International Congress of Endocrinology Program and Abstracts (1996), entitled "Data Suggesting the Presence of a Circulating Inhibitor to PTH"	
53.	COLFORD et al., Meeting of the Endocrine Society (1996), entitled "Comparing Specificity For Intact Human Parathyroid Hormone Between INCSTAR PTHSP and Nichols Intact PTH Assays"	
54.	KOHNO et al., J. Clin. Lab. Anal. (1998) 12:268-275	
55.	Defendants' Second Amended Answer To Plaintiff's Complaint And Counterclaims, filed December 31, 2004	
56.	Letter from Immotopics' counsel to Scantibodies' counsel dated August 5, 2005	
57.	COLFORD 1997 Abstract Presentation	
58.	JENSEN et al., poster from the 1996 Annual Meeting of the Endocrine Society, San Francisco, CA, entitled "Comparing Specificity For Intact Human Parathyroid Hormone Between INCSTAR PTHSP and Nichols Intact PTH Assays"	
59.	Declaration of John Colford	
60.	GAO et al., J. Bone Miner. Res. (2001) 16(4):605-614	
61.	Order Granting Request For Ex Parte Reexamination for U.S. Patent No. 6,689,566, mailed on September 14, 2005, control No. 90/007,685	
62.	Written Submissions In Preparation Of The Oral Proceedings Scheduled For November 15, 2005, submissions dated September 15, 2005	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/617,489	
			Filing Date	July 10, 2003	
			First Named Inventor	Thomas L. CANTOR	
			Art Unit	1641	
			Examiner Name	C. Cheu	
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63.	Petition Filed by Von Kreisler Selting Werner with the European Patent Office on 15 September 2005	
64.	English Translation of the Petition Filed by Von Kreisler Selting Werner with the European Patent Office on 15 September 2005	
65.	Official Communication by the European Patent Office on 29 September 2005	
66.	English Translation of the Official Communication by the European Patent Office on 29 September 2005	
67.	Petition filed by Patentee in response to the Official Communication dated September 29, 2005 (in German)	
68.	Brief Communication from the Opposition Division dated October 5, 2005 (in German)	
69.	Office Action in Ex Parte Reexamination of U.S. Patent 6,030,790, Control No. 90/007,412, mailed on September 28, 2005	
70.	HARLOW et al., Antibodies, 1988, pp. 366, 428, 584, and 579	
71.	First Amendment and Response to Reexamination Office Action, filed November 28, 2005	
72.	Information Disclosure Statement for Reexamination No. 90/007,412, filed November 28, 2005	
73.	Request for Ex Parte Reexamination of U.S. Patent 6,689,566 per Rule 1.501 et seq., filed on September 28, 2005 by Immutopics	
74.	Order Granting Request for Reexamination of U.S. Patent 6,689,566, mailed on October 27, 2005, control No. 90/007,732	
75.	Declaration of John E. Peterson in Support of Nichols Institute Diagnostics, Inc.'s Motion for Permanent Injunction, filed September 22, 2005	
76.	Settled Findings of Fact and Conclusions of Law on Inequitable Conduct and Order Adjudicating Patent Enforceable, filed October 14, 2005	
77.	Scantibodies' Memorandum of Points and Authorities in Support of Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
78.	Declaration of Katherine L. Parker in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
79.	Declaration of Allen Garrett in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
80.	Declaration of Dr. Hartmut Malluche in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
81.	Declaration of Dr. Richard Amerling in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
82.	Declaration of Dr. James Tumlin in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
83.	Declaration of Dr. Hassan Fehmi in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
84.	Declaration of Dr. Clarence Wheeler in Support of Scantibodies' Opposition to Nichols' Motion for Permanent Injunction, filed October 14, 2005	
85.	Nichols Institute Diagnostics, Inc.'s Reply Motion for a Permanent Injunction, filed October 24, 2005	
86.	Declaration of Dr. Delbert A. Fisher in Support of Nichols Institute Diagnostics, Inc.'s Reply Motion for a Permanent Injunction, filed October 24, 2005	
87.	Declaration of Dr. Claude Arnaud in Support of Nichols Institute Diagnostics, Inc.'s Reply Motion for a Permanent Injunction, filed October 24, 2005	
88.	Declaration of Katherine L. Parker in Support of Opposition To Nichols' Motion For Clarification of the Court's Order Dated August 30, 2005 Regarding Motion In Limine No. 5, filed October	

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				Art Unit	1641
				Examiner Name	C. Cheu
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		24, 2005	
89.		Nichols Institute Diagnostics, Inc.'s Objections To and Ex Parte Application to Strike Statements Filed in Support of Scantibodies' Opposition to Nichols' Motion for a Permanent Injunction, filed October 25, 2005	
90.		Scantibodies' Opposition to Nichols' Objections To and Ex Parte Application to Strike Statements Filed in Support of Scantibodies' Opposition to Nichols' Motion for a Permanent Injunction, filed October 27, 2005	
91.		Scantibodies' Emergency Motion To Stay Injunction and Damages/Willfulness Trial Pending Appeal, filed November 17, 2005	
92.		Appellant's Appendix to Scantibodies' Emergency Motion To Stay Injunction and Trial Pending Appeal, filed November 17, 2005	
93.		Federal Circuit Appeal Information Sheet, filed November 17, 2005	
94.		Office Action – Examination Report dated July 14, 2003 for EP application No. 00 902 406.8-2404	
95.		Response to Office Action – Examination Report dated July 14, 2003, response dated January 23, 2004	
96.		Office Action – Examination Report dated March 16, 2004, for EP application No. 00 902 406.8-2404	
97.		Response to Office Action – Examination Report dated March 16, 2004, response dated September 8, 2004	
98.		Office Action – Examination Report dated May 6, 2005, for EP application No. 00 902 406.8-2404	
99.		Written Submissions prior to the Oral Proceedings, dated September 15, 2005	
100.		Letter from counsel following phone conference with examiner and in anticipation of Oral Proceedings, dated October 4, 2005	
101.		Result of Consultation of September 29, 2005, dated October 12, 2005	
102.		Result of Consultation of October 4, 2005, dated October 12, 2005	
103.		Minutes of the Oral Proceedings on October 17, 2005, dated November 9, 2005	
104.		Official Action (and English Translation) for Japanese Patent Application No. 2000-593958, mailed on August 13, 2004	
105.		Partial Translation of the Response filed February 9, 2005	
106.		Decision of Rejection (and English Translation) for Japanese Patent Application No. 2000-593958, mailed on August 9, 2005	
107.		Plaintiff's Responses To Defendants' First Set Of Interrogatories Pursuant To Fed. R. Civ. P. 33 (Nos. 1-4), filed April 22, 2005	
108.		Plaintiff's Responses To Defendants' First Set Of Requests For Admissions Pursuant To Fed. R. Civ. P. 36 (Nos. 1-11), filed April 22, 2005	
109.		Defendants' Second Request For Admissions To Plaintiff Pursuant To Fed. R. Civ. P. 36 (No. 12-21), filed June 8, 2005	
110.		Application For An Order For The Issuance Of Letter Rogatory; Memorandum Of Points And Authorities; Declaration Of Dan P. Sedor, filed June 9, 2005	
111.		Letter Rogatory, filed June 9, 2005	
112.		Scantibodies' Second Set Of Interrogatories To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 15-19) filed June 10, 2005	
113.		Scantibodies' Second Request For Production Of Documents To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 64-69) filed June 10, 2005	

Examiner Signature		Date Considered	
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			Art Unit	1641	
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114.	Scantibodies' First Request For Admissions To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 1-110), filed June 10, 2005	
115.	Objections Of Third-party Respondent Richard E. Reitz. M.D., filed June 13, 2005	
116.	Notice Of Deposition Of Scantibodies Laboratory, Inc. Pursuant To F.R.C.P. 30(b)(6), filed June 17, 2005	
117.	Scantibodies' Third Request For Production Of Documents To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (No. 70) filed July 1, 2005	
118.	Plaintiff/Counterdefendant's Objections To Defendant/Counterclaimant's Deposition Notice Pursuant To F.R.C.P. 30(B)(6), filed July 8, 2005	
119.	Plaintiff's Responses To Defendants' Second Set Of Interrogatories Pursuant To Fed. R. Civ. P. 33 (No. 5), filed July 12, 2005	
120.	Responses To Defendants' Second Request For Admissions To Plaintiff Pursuant To Fed. R. Civ. P. 36 (Nos. 12-21), filed July 12, 2005	
121.	Defendants' Third Request For Admissions To Plaintiff Pursuant To Fed. R. Civ. P. 36 (Nos. 22-23), filed July 12, 2005	
122.	Defendants/Counterclaimants' Response To Scantibodies' First Requests For Admissions (Nos. 1-110), filed July 12, 2005	
123.	Defendants/Counterclaimants' Response To Scantibodies' Second Request For Production Of Documents (Nos. 64-69), filed July 13, 2005	
124.	Defendants' Fourth Request For Admissions To Plaintiff Pursuant To Fed. R. Civ. P. 36 (Nos. 24-37), filed July 15, 2005	
125.	Objections To Subpoena And Notice Of Deposition Of Peng Chen, filed July 25, 2005	
126.	Defendants' Fifth Request For Admissions To Plaintiff Pursuant To Fed. R. Civ. P. 36 (Nos. 38-47), filed July 27, 2005	
127.	Scantibodies' Third Set Of Interrogatories To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 20-24), filed August 1, 2005	
128.	Scantibodies' Second Request For Admissions To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 111-276), filed August 1, 2005	
129.	Scantibodies' Fourth Request For Production Of Documents And Things To Defendants/Counterclaimants Immutopics, Inc. And Immutopics International, LLC (Nos. 71-88), filed August 1, 2005	
130.	Defendants/Counterclaimants' Response To Scantibodies' Third Request For Production Of Documents (No. 70), filed August 1, 2005	
131.	Plaintiff's Response To Defendants' Third Request For Admissions Pursuant To Fed. R. Civ. P. 36 (Nos. 22-23), filed August 11, 2005	
132.	Plaintiff's Response To Defendants' Fourth Request For Admissions Pursuant To Fed. R. Civ. P. 36 (Nos. 24-37), filed August 15, 2005	
133.	Notice Of Service Deposition Subpoena And Subpoena Duces Tecum On Michael A. Levine, filed August 16, 2005	
134.	Notice Of Service Subpoena Duces Tecum On Lori J. Sokoll, filed August 16, 2005	
135.	Notice Of Service Of Subpoena Duces Tecum On Diasorin Inc., filed August 16, 2005	
136.	Notice Of Service Of Subpoena Duces Tecum On The Johns Hopkins Medical Institutions, filed August 16, 2005	
137.	Defendants/Counterclaimants' Response To Scantibodies' Second Set Of Interrogatories (Nos. 15-19), filed August 16, 2005	
138.	Notice Of Service Of Deposition Subpoena And Subpoena Duces Tecum on John W. Colford, filed August 17, 2005	

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				Art Unit	1641
				Examiner Name	C. Cheu
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139.	Notice Of Service Of Deposition Subpoena And Subpoena Duces Tecum on Michael Salvati, filed August 17, 2005	
140.	Declaration Of M. Andrew Woodmansee In Support Of Motion To Quash Immutoptics' Subpoena To Third-Party Dr. Richard Lerner And For Attorneys' Fees, filed August 18, 2005	
141.	Notice Of Service Of Deposition Subpoena And Subpoena Duces Tecum On Gordon D. Macfarlane, filed August 18, 2005	
142.	Declaration Of John Colford, dated August 18, 2005	
143.	Memorandum Of Points And Authorities In Support Of Plaintiff's Motion To Stay Action Pending Resolution Of Plaintiff's Request To Patent And Trademark Office For Reexamination Of Patent-In-Suit, filed August 22, 2005	
144.	Declaration Of Brian W. Kasell In Support Of Plaintiff's Motion To Stay Action Pending Resolution Of Plaintiff's Request To Patent And Trademark Office For Reexamination Of Patent-In-Suit, filed August 22, 2005	
145.	Stipulation Regarding Briefing Schedule For Plaintiff's Motion To Stay Action Pending Resolution Of Plaintiff's Request To Patent And Trademark Office For Reexamination Of Patent-In-Suit [Proposed] Order Thereon, filed August 22, 2005	
146.	Notice Of Service Of Subpoena Duces Tecum On Diasorin Inc., filed August 24, 2005	
147.	Notice Of Service Of Subpoena Duces Tecum On Todd Jensen, filed August 24, 2005	
148.	Notice Of Service Of Subpoena Duces Tecum On Jon Spring, filed August 24, 2005	
149.	Plaintiff's Response To Defendants' Fifth Request For Admissions Pursuant To Fed. R. Civ. P. 36 (Nos. 38-47), filed August 25, 2005	
150.	Defendants/Counterclaimants' Response To Scantibodies' Third Set Of Interrogatories (Nos. 20-24), filed August 31, 2005	
151.	Defendants/Counterclaimants' Response To Scantibodies' Fourth Request For Production Of Documents (Nos. 71-88), filed August 31, 2005	
152.	Defendant/Counterclaimants' Response To Scantibodies' Second Request For Admissions (Nos. 111-276), filed August 31, 2005	
153.	Defendant's Opposition To Motion To Stay Action Pending Resolution Of Re-examination Of Patent-In-Suit, filed September 2, 2005	
154.	Declaration Of Matthew Newboles In Support Of Defendant's Opposition For Motion To Stay, filed September 2, 2005	
155.	Declaration Of Richard Zahradnik In Support Of Defendants' Opposition For Motion To Stay, filed September 2, 2005	
156.	Plaintiff's Evidentiary Objections To And Request To Strike The Declarations Of Matthew Newboles And Richard Zahradnik And A Portion Of Defendants' Opposition Memorandum In Support Of Defendants' Opposition To Plaintiff's Motion For Stay, filed September 12, 2005	
157.	Declaration Of David Cantor In Support Of Plaintiff's Reply To Defendants' Opposition To Plaintiff's Motion To Stay, filed September 12, 2005	
158.	Supplemental Declaration Of Richard Zahradnik In Support Of Defendants' Opposition For Motion To Stay, filed September 15, 2005	
159.	Request For Judicial Notice Of Recently Discovered Ruling, Re: Motion For Stay, filed September 15, 2005	
160.	Plaintiff's Evidentiary Objections To And Request To Strike The Supplemental Declaration Of Richard Zahradnik In Support Of Defendants' Opposition To Plaintiff's Motion For Stay, filed September 19, 2005	
161.	Order Granting Plaintiff's Motion To Stay Proceedings, filed September 20, 2005	
162.	Notice Of Patent And Trademark Office's Grant Of Plaintiff's Request For Reexamination, filed	

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	September 22, 2005	
163.	Bate Stamped Documents Index	
164.	BioActive Intact PTH Assays, bate stamped IMU-2839-2840	
165.	Human BioActive Intact PTH ELISA Kit, bate stamped IMU-2841-2844	
166.	Human BioActive PTH 1-84 ELISA Kit, bate stamped IMU-2845-2846	
167.	PTH (1-84) Specific Label, bate stamped SC 010159	
168.	Human BioActive PTH 1-84 ELISA Kit Label, bate stamped SC 010163	
169.	Whole PTH (1-84) Specific Label, bate stamped SC 010168	
170.	NKF 2004 PTH Abstracts, bate stamped SC 01483-01496	
171.	The Rise In Adynamic Bone Disease In ERSD Patients and the Changing Spectrum of Renal Osteodystrophy, bate stamped SC 001268-001276	
172.	Judgment for the Invalidation of Japanese Patent No. 3457004, cover letter dated December 7, 2005	
173.	Petition For Writ Of Mandamus, filed November 23, 2005	
174.	Nichols Institute Diagnostics, Inc.'s Proposed Single Paragraph Informing Jury Of Posture Of The Case, filed November 29, 2005	
175.	[Proposed] Jury Instructions Of Plaintiff Nichols Institute Diagnostics, Inc., filed November 29, 2005	
176.	Scantibodies' Proposed Jury Instructions For December 5, 2005 Damages And Willfulness Trial, filed November 29, 2005	
177.	Declaration of April M. Alex In Support Of Plaintiff's Statement Of Position On Scantibodies' Claims Of Privilege, As The Result Of The Court's Statements About Knorr-Bremse At The Hearing Of November 7, 2005, filed November 30, 2005	
178.	Nichols' Response To Scantibodies' Emergency Motion To Stay Injunction Pending Appeal, filed December 1, 2005	
179.	Appendix To Nichols' Response To Scantibodies' Emergency Motion To Stay Injunction Pending Appeal, filed December 1, 2005	
180.	Nichols' Seventh Amended Exhibit List To Memorandum Of Fact And Law, filed December 4, 2005	
181.	Nichols' Eighth Amended Exhibit List To Memorandum Of Fact And Law, filed December 4, 2005	
182.	Scantibodies' Reply In Support Of Its Emergency Motion To Stay Injunction Pending Appeal, filed December 5, 2005	
183.	Scantibodies Clinical Laboratory, Inc. And Scantibodies Laboratory, Inc.'s Witness List & Sixth Supplemental Exhibit List For Damages/Willfulness Trial, filed December 5, 2005	
184.	Nichols' Ninth Amended Exhibit List To Memorandum Of Fact And Law, filed December 6, 2005	
185.	Plaintiff Nichols Institute Diagnostics, Inc.'s First Proposed Supplemental Jury Instructions To The Court's Instructions For The Damages Phase Of The Trial, filed December 13, 2005	
186.	Order Granting Nichols' Motion For Entry Of Permanent Injunction And Staying Injunction Pending Appeal, filed November 16, 2005	
187.	Transcript Of Trial Before The Honorable Rudi M. Brewster, Volume VIII December 16, 2005	
188.	D'AMOUR et al., J. Clinical Endocrinology & Metabolism (2006) 91(1):283-289	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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